

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON ARMSTRONG and
TAMIKA PAYNE,

Defendants.

8:13CR233

ORDER

This matter is before the court on the motion for an extension of time by defendant Tamika Payne (Payne) (Filing No. 21). Payne seeks until October 5, 2013, in which to file pretrial motions in accordance with the progression order. Payne has filed an affidavit wherein she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 22). Payne's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted to October 7, 2013, as to both defendants.

IT IS ORDERED:

Defendant Payne's motion for an extension of time (Filing No. 21) is granted. Payne and Armstrong are given until **on or before October 7, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between July 31, 2013, and October 7, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 31st day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge